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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 24 February 2017 from the Permanent Mission of Japan to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Japan to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and, in accordance with paragraph 36 of Security Council resolution 2321 (2016), has the honour to submit to the Committee the national report of the Government of Japan on the implementation of resolution 2321 (2016) (see annex).

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Annex to the note verbale dated 24 February 2017 from the Permanent Mission of Japan to the United Nations addressed to the Chair of the Committee

Report to the Security Council pursuant to paragraph 36 of resolution 2321 (2016)

1. The basic position of Japan

Nuclear tests and ballistic missile launches by the Democratic People's Republic of Korea are unforgivable outrageous acts and totally unacceptable. The nuclear test on 9 September 2016 and the series of launches of more than 20 ballistic missiles in 2016 alone constitute a new level of threat to the entire international community, including Japan. The nuclear tests and the ballistic missile launches by the Democratic People's Republic of Korea are flagrant and repeated violations of the relevant Security Council resolutions and represent a grave challenge to the international disarmament and non-proliferation regime centred on the Treaty on the Non-Proliferation of Nuclear Weapons.

The Government of Japan highly appreciates that the Security Council unanimously adopted resolution 2321 (2016), which remarkably reinforces the sanctions on the Democratic People's Republic of Korea in response to the nuclear test on 9 September 2016 and the series of ballistic missile launches. The resolution clearly demonstrates the international community's determination to take a resolute stand against the Democratic People's Republic of Korea. Japan strongly demands that the Democratic People's Republic of Korea seriously heed the call of the international community and refrain from any provocations and fully comply with Security Council resolutions, including resolution 2321 (2016).

The Government of Japan has steadily undertaken measures to implement resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) and 2321 (2016) and strongly urges the Democratic People's Republic of Korea to take concrete actions towards the resolution of outstanding issues of concern, such as the abductions and nuclear and missile issues. The Government of Japan will continue to work closely with Member States towards the full implementation of the resolutions to ensure their effectiveness.

The Government of Japan also reaffirms that it will continue to work closely with the Security Council Committee established pursuant to resolution 1718 (2006), as well as with the Panel of Experts established pursuant to resolution 1874 (2009).

2. Measures relating to resolution 2321 (2016)

The measures taken by the Government of Japan to implement resolution 2321 (2016) are described below. These are followed by newly introduced autonomous measures set out in section 3 of the present report. Existing measures against the Democratic People's Republic of Korea have previously been reported to the Security Council (see S/AC.49/2006/10, S/AC.49/2009/7, S/AC.49/2013/7 and S/AC.49/2016/5).

(a) Financial measures

(i) Paragraph 3

- The Government of Japan has introduced measures, based on the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949), to prevent the transfer

of any financial resources to and from the 11 individuals and 10 entities designated in annexes I and II to resolution 2321 (2016).

(ii) Paragraph 31

- In accordance with resolutions 2094 (2013), 2270 (2016) and 2321 (2016), financial institutions in Japan do not have any existing representative offices, subsidiaries or banking accounts in the Democratic People's Republic of Korea.
- The Government of Japan also formally requested financial institutions in Japan not to open branches, subsidiaries, representative offices or banking accounts in the Democratic People's Republic of Korea.
- No violation or negligence by Japanese entities has been observed.

(iii) Paragraph 32

- The Government of Japan has banned imports from the Democratic People's Republic of Korea since 14 October 2006 and exports to the country since 18 June 2009, based on the Foreign Exchange and Foreign Trade Act. These measures have prevented the supply, sale or transfer to or procurement from the Democratic People's Republic of Korea of any items, irrespective of their purpose or nature. Neither the Government of Japan nor Japanese insurance institutions provide financial services for trade with the Democratic People's Republic of Korea.
- No violation or negligence by Japanese entities has been observed.

(iv) Paragraph 33

- The Government of Japan will expel an individual, in accordance with applicable domestic laws, including the Immigration Control and Refugee Recognition Act (Cabinet order No. 319 of 1951), where it is determined that the individual is working on behalf of or at the direction of a bank or financial institution of the Democratic People's Republic of Korea.

(v) Paragraph 35

- The Government of Japan requires, as part of its autonomous measures against the Democratic People's Republic of Korea, that people departing from Japan for the Democratic People's Republic of Korea while carrying currency or other payment methods with a value equivalent to more than 100,000 yen make a declaration to Japanese customs upon their departure.

(b) Measures concerning the movement of persons

(i) Paragraphs 3 and 25

- Based on the Immigration Control and Refugee Recognition Act, the Government of Japan has introduced measures to prevent entry into Japan or transit through Japanese territory, including but not limited to transit in a manner specified in paragraph 25, by the 11 individuals designated in annex I to resolution 2321 (2016) for their association with the programmes of the Democratic People's Republic of Korea related to nuclear, ballistic missiles or other weapons of mass destruction.

(ii) Paragraph 10

- The Government of Japan has already taken the measures necessary, based on the Foreign Exchange and Foreign Trade Act, to prevent any transfer to the Democratic People's Republic of Korea of technical training, advice, services or assistance involving items, materials, equipment, goods or technology related to nuclear, ballistic missiles or other weapons of mass destruction.
- In February 2017, the Government of Japan formally requested that domestic universities, research institutions and other related business associations refrain from providing specialized teaching or training, as referred to in paragraph 10.
- No violation or negligence by Japanese entities has been observed.

(iii) Paragraph 11

- In February 2017, the Government of Japan formally requested that domestic universities, research institutions and other related business associations refrain from undertaking scientific and technical cooperation, as referred to in paragraph 11.
- No violation or negligence by Japanese entities has been observed.

(iv) Paragraphs 15 and 34

- As part of its autonomous measures against the Democratic People's Republic of Korea, the Government of Japan has banned the entry of any nationals from that country into Japan, irrespective of the purpose of entry.

(c) Measures concerning the movement of goods and the transfer of technical training, advice, services or assistance

(i) Paragraphs 4, 5, 7, 26, 28, 29 and 30

- The Government of Japan has banned imports from the Democratic People's Republic of Korea since 14 October 2006 and exports to the country since 18 June 2009, based on the Foreign Exchange and Foreign Trade Act. These measures have prevented the supply, sale or transfer to or procurement from the Democratic People's Republic of Korea of any items, irrespective of their purpose or nature.

(ii) Paragraph 13

- Personal luggage and checked baggage of any individual entering Japan is to undergo inspection.
- In addition, the Government of Japan will take appropriate measures in accordance with applicable domestic laws in such cases as required by resolution 2321 (2016).

(d) Restrictions on maritime and air transport

(i) Paragraphs 8, 9 and 24

- In January 2017, the Government of Japan formally requested relevant Japanese entities to refrain from leasing or chartering vessels or aircraft and from providing crew services to the Democratic People's Republic of Korea.
- In December 2016 and January 2017, the Government of Japan also formally requested relevant Japanese entities to refrain from registering vessels in the

Democratic People's Republic of Korea, obtaining authorization for a vessel to use the flag of the Democratic People's Republic of Korea, and from owning, leasing, operating, or providing any vessel classification, certification or associated service, or insuring any vessel flagged by the Democratic People's Republic of Korea.

- No violation or negligence by Japanese entities has been observed.

(ii) Paragraph 12

- In January 2017, the Government of Japan formally requested relevant Japanese entities to refrain from dealing or cooperating with individuals and entities designated as the target of sanctions.
- The Government of Japan will take appropriate measures in accordance with applicable domestic laws when required by the Security Council Committee established pursuant to resolution 1718 (2006), as specified in paragraph 12.

(iii) Paragraph 20

- The Government of Japan will deny permission to flag aircraft of the Democratic People's Republic of Korea to take off from, land in or overfly Japanese territory based on the Civil Aeronautics Act (Act No. 231 of 1952).

(iv) Paragraph 22

- In December 2016, the Government of Japan formally requested relevant Japanese entities to refrain from providing insurance or re-insurance service to vessels owned, controlled or operated by the Democratic People's Republic of Korea.

(v) Paragraph 23

- In January 2017, the Government of Japan formally requested relevant Japanese entities to refrain from procuring vessel and aircraft crewing services from the Democratic People's Republic of Korea.

(vi) Paragraph 40

- The Government of Japan seizes and disposes of items prohibited for the supply, sale, transfer or export by the relevant resolutions, based on the Act on special measures concerning cargo inspections, etc. conducted by the Government taking into consideration United Nations Security Council resolution 1874 (2009), etc.

(e) Restrictions on the diplomatic and consular offices of the Democratic People's Republic of Korea

(i) Paragraphs 14, 16, 17, 18 and 19

- Japan has no diplomatic relations with the Democratic People's Republic of Korea, and no embassy or consulates of the Democratic People's Republic of Korea exist in Japan.

3. Recent autonomous measures taken by the Government of Japan against the Democratic People's Republic of Korea

The Government of Japan has taken autonomous measures against the Democratic People's Republic of Korea, as set out in its previous reports to the Security Council (see S/AC.49/2009/7, S/AC.49/2013/7 and S/AC.49/2016/5).

Following the recent violations of relevant Security Council resolutions by the Democratic People's Republic of Korea, including its nuclear test on 9 September 2016 and the series of ballistic missile launches, which constitute direct and grave threats to Japan and seriously undermine the peace and security of the international community, the Government of Japan decided on 2 December 2016 to take the following additional measures in its efforts towards the comprehensive resolution of outstanding issues of concern, such as the abductions and nuclear and missile issues:

(a) With regard to measures concerning the movement of persons, the Government of Japan has:

(i) Increased the number of persons in a position to assist officials of the Democratic People's Republic of Korea residing in Japan who are subject to the ban on re-entry after travelling to the Democratic People's Republic of Korea;

(ii) Increased the number of foreign experts on nuclear and missile technology residing in Japan who are subject to the ban on re-entry after travelling to the Democratic People's Republic of Korea.

(b) The Government of Japan has banned the entry of all vessels that have previously called at ports in the Democratic People's Republic of Korea by including in the ban Japanese-flagged vessels that have previously called at ports in the Democratic People's Republic of Korea.

(c) The Government of Japan has increased the number of entities and individuals designated for asset-freezing measures in relation to the nuclear and missile programmes of the Democratic People's Republic of Korea and other related programmes.